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DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM D-069

29 March 1984

MEMORANDUM FOR: Director, Intelligence Community Staff

FROM:

Chairman

SUBJECT: Intelligence Leaks

REFERENCE:

DCI MEMO, dated 23 March 1984,
Subject: Intelligence Leaks and Counterterrorism
Capabilities

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1. The referent memorandum and the recent SSCI hearings have raised new hopes that something can be done at last about those who breach their oaths and reveal classified intelligence to the news media. The following observations on the leak situation may be useful to you in carrying out the DCI's charge.

2. While Senator Biden's helpful attitude is gratifying, there is a need to stimulate public opinion against leaks of classified information. There is a great groundswell of apathy about leaks, both within the government and among the general public. It is essential that new leak legislation, if it can be passed, not be regarded with the same enthusiasm as the Volstead Act.

3. There has been little opportunity to take the anti-leak message to rank-and-file government employees. Even worse, the public receives all its information about leaks and anti-leak efforts from the news media. While the DCI videotape has been shown to high-level audiences in some, not all, Intelligence Community agencies, it has not been generally presented to middle and lower graded personnel, even in CIA.

4. We are not doing enough to create a climate of acceptance for anti-leak efforts. Almost without exception, audiences viewing the DCI leak videotape have expressed the belief that no progress will be made until senior officials of the government stop leaking classified information for their own purposes. The opinion persists that the public chastisement of one or more identified high level leakers is essential to marshalling any anti-leak support. The message is clear--mere words are not enough. The government must demonstrate that leaks are a sufficiently severe problem to warrant decisive, well-publicized action against senior, well-connected officials.

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5. There is a reasonable reluctance to use the Espionage Act to prosecute leakers. Legislation is needed to deal specifically with the disclosure of classified information by cleared individuals to unauthorized persons. No matter how one views it, this is a different crime from espionage. Nevertheless, it is no less a breach of trust by a federal official than illegal use of a limousine, disclosure of crop futures, or misappropriation of federal funds. It deserves its own law. We should not drive tacks with a sledge hammer. We have offered, then withdrawn, legislative proposals on this topic for the past two years.

6. As the leak situation grows worse, our posture to combat leaks also seems to be going downhill. The Brooks Bill, if passed, would hamper the anti-leak effort. More important, it would send a message that efforts to combat leaks are somehow immoral, unconstitutional, or worse. It is essential that Congressional liaison officers throughout the Community do everything possible to educate members of both Houses on the pernicious nature of leaks and the extremely disadvantaged posture of the government in combatting them. A solid defeat for the Brooks Bill is an indispensable step in our effort to turn public opinion around.

7. CIA and the rest of the Community need to determine as precisely as possible what the leak story is and how much of that story can be told publicly; how much more can be told to Congressional leaders, and how much can be told to top Administration officials. Unless we can present a credible story that the US intelligence effort is being significantly damaged by leaks, no amount of hand wringing is likely to have any effect, whatsoever.

8. We need to determine ways to get the general story before the public and the specifics to those who can help lead the way back from apathy. Having a good story doesn't help unless we can get people to listen. The DCI anti-leak videotape has been an excellent consciousness-raising exercise, but there has been a constant uphill struggle to get audiences to view it. We need to produce a new, hard-hitting, factual message on leaks and obtain authority to require cleared personnel throughout the government to attend.

9. The fact that after four decades, the DCI still finds the slogan "loose lips sink ships" useful indicates that posters are a powerful medium. We should mount a poster campaign against leaks throughout the government. Posters provide the message to masses of people without requiring any action on their part.

10. As has been reiterated, the current procedures for investigation of unauthorized disclosures are geared to failure. The fragmented, agency-by-agency approach to investigating leaks of information that is disseminated government-wide doesn't provide a uniform effort. In order to ensure that competent investigative resources are concentrated on areas most likely to yield results, an overall, coordinated effort by a single agency is required. The FBI is the only agency capable of doing the job. It is also essential to the continued protection of intelligence sources and methods that the investigation be closely coordinated with senior Intelligence Community

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officials who can determine the risk of additional revelations of classified information at every step of the investigation and recommend appropriate action to avoid compounding our problems.

11. The fragmented approach to investigation does not permit any analysis of leaks for possible patterns. Centralized investigation and coordination would afford the opportunity to analyze the content, apparent intent, possible sourcing, etc., in order to focus investigative efforts where they are likely to yield results. Sophisticated investigative and analytical techniques, as currently being applied to the fight against narcotics, need to be used against leaks. The current simplistic approach does not work.

12. To avoid having an anti-leak effort evaporate in a cloud of frustration, there should be personnel and other resources dedicated to the investigation and prosecution of leaks, preferably with a Congressional mandate. The current unsophisticated, relatively low level, effort appears to result from reluctance to devote resources to a no-win situation. If the resources and appropriate guidelines can be made available, we can win, at least some of the time. A concerted effort to mount a strong pilot operation offers the best chance of success.

13. Senator Biden's concern about lack of utilization of "graymail" procedures illustrates two points that must not be ignored. The first is that the passage of legislation, per se, is not enough to cure a bad situation. The second is that nothing can be done about the leak problem unless some of the offenders are identified and penalized.

14. I have telephoned all the members of the Security Committee and requested their thoughts on new approaches to the leak problems. Their responses will be provided to you when received.

15. Finally, I propose that we consider recommending appointment of a presidential commission on unauthorized disclosure of classified information. A bi-partisan group of distinguished present and former members of all three branches of government could be given all the facts and asked to report and recommend remedial action. Coming from such a broad-based group, the recommendations should command widespread support and would provide a means of informing the American people of the gravity of the threat, if not the details of it. Formation of a commission would provide a way to meet several of the needs enumerated above. The primary drawback is that this is an election year. Although timing is important, the action could be taken after the election, because the problem will still be with us.

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Anti-Leak Areas to be Examined

Legislation

- Unauthorized disclosure by cleared individual (a must)
- Receipt of classified material by unauthorized persons (risky)

Education

- Raise public awareness of seriousness of leaks
- Indoctrinate government personnel on consequences of leaks
- Indoctrinate executive and legislative branch personnel on how to safeguard classified material
- Solicit support of former IC personnel
- Stimulate expressions of condemnation of leaks by all three branches of government

Investigation

- Provide resources and guidelines for effective investigation
- Assign responsibility to the FBI
- Obtain support for use of polygraph in leak cases

Regulation of Press Interface

- Backgrounders
- "Anonymous officials"
- Logs of press contacts
- Indoctrination on press tactics and proper responses